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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Burundi*, Gabon, Guinea-Bissau, Haiti*, Mauritania, Mauritius, Rwanda*, Swaziland* and Zaire*: draft resolution

The situation of human rights in Burundi

The Commission on Human Rights,

Guided by the principles set out in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights,

Reaffirming its complete determination with regard to respect for the principles of the rule of law, which involves democracy, national unity, pluralism and respect for the fundamental rights and freedoms of the individual,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Deeply concerned at the increase in the acts of inter-ethnic violence since the attempted coup d'état on 21 October 1993, involving loss of human life and violations of human rights in Burundi,

Concerned about the mass exodus of persons from Burundi fleeing their country to take refuge in neighbouring countries, which increases the number of displaced persons in those host countries,

Particularly convinced that consolidation of democratic gains helps to create a favourable environment for lasting settlement of the ethnic tension that has brought bloodshed to the country over the past 30 years, on the one hand, and enables everyone of Burundi to take part in the economic and social development of his country, on the other hand,

1. Strongly condemns the brutal and violent break in the democratic process initiated in Burundi and demands an immediate end to acts of violence and military coercion;

2. Invites the international community to lend its political, diplomatic, material and financial support to end the massacres, to help the Government of Burundi to find a lasting solution to the ethnic tension and to create conditions to favour the return of the refugees;

3. Is grateful to the States which have given refuge in their diplomatic premises to members of the Government of Burundi and thanks them for the technical assistance they have provided to ensure those persons' safety;

4. Notes with satisfaction that the Secretary-General has responded immediately to this situation by sending a special envoy with a good offices mission so as to facilitate the restoration of the constitutional regime;

5. Welcomes the appointment by the Secretary-General of a Special Representative for Burundi and the dispatch to Burundi, in support of the special representative's action, of a small United Nations fact-finding and advisory group to facilitate the efforts of the Government of Burundi and the Organization of African Unity;

6. Commends the efforts made by the Organization of African Unity and the various initiatives taken by associations for the protection of human rights to help the Government of Burundi re-establish democratic institutions, restore confidence and stabilize the situation;

7. Encourages the Government of Burundi in its action to secure participation by all components of the population in the conduct of the political and administrative affairs of the country;

8. Also invites the authorities of Burundi to carry out a prompt inquiry into the coup d'état of 21 October 1993, as well as the inter-ethnic massacres, and to bring the persons responsible for these acts of violence before the courts;

9. Requests the Chairman of the Commission on Human Rights to appoint an independent expert of the Commission with a mandate to prepare a report on the situation of human rights in Burundi on the basis of any information he deems relevant, in particular information from the Organization of African Unity, so as to submit a report to the Commission at its fifty-first session and a report to the General Assembly at its forty-ninth session;

10. Invites the authorities of Burundi to cooperate fully with the independent expert;

11. Requests the Secretary-General to provide all assistance needed by the independent expert for the discharge of his mandate;

12. Also requests the Secretary-General to provide the Government of Burundi with technical assistance to strengthen the structures for the promotion and protection of human rights, more particularly through the advisory services programme of the Centre for Human Rights, in close cooperation with the Secretary-General's special representative for Burundi;

13. Decides to consider the situation of human rights in Burundi at its fifty-first session, under the agenda item entitled "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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Agenda item 12

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Austria, Belgium*, Denmark*, Finland, France, Germany, Ireland*, Italy, Netherlands, Norway*, Portugal* and Spain*: draft resolution

Situation of human rights in Zaire

The Commission on Human Rights,

Guided by the principles embodied in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights,

Recalling that, under Articles 55 and 56 of the Charter of the United Nations, all States Members of the Organization have an obligation to promote and protect human rights and fundamental freedoms and to cooperate for that purpose,

Noting also its resolution 1993/61 of 10 March 1993,

Recalling that, from 1985 to 1989 and from 1991 to 1993, it examined the situation of human rights in Zaire under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Emphasizing that Zaire is a party to the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights and the African Charter on Human and People's Rights, as well as to the International Convention on the Elimination of All Forms of Racial Discrimination,

Reaffirming in this connection the indivisibility of all human rights,

Having examined the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions (E/CN.4/1994/7), the Special Rapporteur on torture (E/CN.4/1994/31) and the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1994/26 and Add.1),

Concerned about the persistent seriousness of the situation of human rights in Zaire and, in particular, about the use of force during peaceful gatherings, arbitrary arrests and detentions, summary executions, torture and inhuman treatment in detention centres, serious shortcomings in the administration of justice, which is unable to function independently, violations of freedom of opinion and expression and forced population displacements,

Seriously concerned in this connection by the reports of the humanitarian inter-agency evaluation mission and of various non-governmental organizations concerning forced displacements of more than 750,000 persons belonging to ethnic minorities, especially in the provinces of Shaba and northern Kivu, as well as the heavy loss of human life and numerous other violations of human rights accompanying such displacements,

Reiterating its loathing of all forms of racial or ethnic discrimination,

Stressing that the situation described above is contributing to the worsening of the country's socio-economic and financial situation, in particular that of the most vulnerable groups,

Re-emphasizing the need to put an end to the impunity of persons responsible for human rights violations,

Concerned about the serious obstacles which still stand in the way of the process of democratic transition and wishing to encourage the efforts being made to guarantee the continuation of this process, in full respect for human rights and fundamental freedoms,

1. Deplores the continuing serious violations of human rights and fundamental freedoms in Zaire, particularly the practice of torture and cruel, inhuman and degrading treatment or punishment, arbitrary detention and incommunicado detention, inhuman and degrading prison conditions, especially in the detention centres administered by the army, enforced disappearances, summary and arbitrary executions of persons who have exercised their right to freedom of opinion and expression, and denial of the right to a fair trial;

2. Notes with indignation that the army and the security services have used force against unarmed civilians;

3. Calls for the cessation of intimidation measures and reprisals against prominent political figures;

4. Condemns the practice of forced population displacements, particularly in northern Kivu and Shaba, for which the authorities bear primary responsibility;

5. Condemns all discriminatory measures affecting persons belonging to minority groups;

6. Calls for full observance of the right to freedom of opinion and expression and freedom of association, assembly and peaceful demonstration;

7. Recommends that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire, and inter alia consider the possibility of visiting the country;

8. Requests the Secretary-General:

(a) To bring the present resolution to the attention of the Zairian authorities and invite them to provide specific information on its implementation;

(b) To report to the Commission, at its fifty-first session, on the basis of any information which might be gathered on the situation of human rights in Zaire, including information supplied by non-governmental organizations;

9. Decides to consider the question again at its fifty-first session under the agenda item "Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories".

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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES

Algeria*, Barbados, Brazil, Cameroon, China, Equatorial Guinea, Ethiopia*, Gambia*, Ghana*, Guinea-Bissau, India, Kenya, Madagascar*, Malawi, Mauritania, Nigeria, Pakistan, Portugal*, Russian Federation, Senegal*, Sudan, Syrian Arab Republic, Togo, Tunisia, United Republic of Tanzania*, Vietnam*, Zambia* and Zimbabwe*: draft resolution

Situation of human rights in Angola

The Commission on Human Rights,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration on Human Rights and the International Covenants on Human Rights,

Recalling the Vienna Declaration and the Programme of Action, adopted by the World Conference on Human Rights, and noting the resolution on the situation in Angola adopted by the Council of Ministers of the Organization of African Unity at is 59th ordinary session,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

Deeply concerned about the grave humanitarian situation, the serious deterioration of human rights, and the destruction of basic infrastructures as a result of the continuing hostilities in Angola,

Recalling the relevant Security Council resolutions and stressing the importance it attaches to the acceptance by UNITA without reservations, as requested by the Security Council, of the results of the democratic elections of 29 and 30 September 1992, held under United Nations supervision and to its abiding fully by the Peace Accords, and the relevant Security Council resolutions,

Noting that the Angolan Constitution guarantees civil, political, economic, social and cultural rights and fundamental freedoms in Angola, and stressing the need for full implementation of the Constitution,

Welcoming the continuing direct negotiations at Lusaka under the auspices of the United Nations, and the ongoing efforts of the Government of Angola and UNITA to reach a negotiated settlement,

Commending the effort of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiation within the framework of the Peace Accords and relevant Security Council resolutions,

1. Strongly supports the process of democratization in Angola and further encourages the Government of Angola to pursue full promotion and protection of human rights and fundamental freedoms in Angola;

2. Encourages the Government of Angola to make use of the advisory services and programme of technical assistance of the Centre for Human Rights and requests the Centre to respond favourably;

3. Reaffirms its support of the ongoing direct negotiations at Lusaka and commends the Government of Zambia for hosting the negotiations;

4. Stresses the importance of a speedy conclusion of a negotiated settlement, calls upon both parties, particularly UNITA, to honour the commitments already made by them at the talks at Lusaka, and urges them to exercise maximum restraint and to stop immediately all military actions in order to prevent further violation of human rights and suffering on the part of the

civilian population of Angola and damage to the economic and social infrastructure of Angola;

5. Supports the efforts of the Secretary-General and his Special Representative aimed at the earliest resolution of the Angolan crisis through negotiations within the framework of the Peace Accords and relevant Security Council resolutions;

6. Strongly appeals to all Member States, United Nations agencies and non-governmental organizations to support ongoing efforts undertaken by the Secretary-General to implement the emergency humanitarian assistance plan;

7. Decides to consider this question at its fifty-first session under the agenda item entitled "Advisory services in the field of human rights".

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COMMISSION ON HUMAN RIGHTS
Fiftieth session
Agenda item 3

ORGANIZATION OF THE WORK OF THE SESSION

Draft resolution proposed by the Chairman

1994/... Documentation, appointments and related matters

The Commission on Human Rights,

Recalling General Assembly resolutions 37/14 C of 16 November 1982, 47/202 B of 22 December 1992 and 48/222 B of 23 December 1993,

Noting that excessive length of reports is a significant problem in the timely distribution of documents as they generally exceed the desirable 32-page limit established in the relevant United Nations resolutions,

Noting also that pre-session distribution of reports, including those of the special representatives, special rapporteurs, independent experts and thematic working groups, is necessary to allow thorough, meaningful and reliable consideration by members of the Commission,

Noting that the period between the sessions of the General Assembly and the Commission on Human Rights is too short to allow for proper processing of documentation,

Recalling its resolution 1993/94 of 11 March 1994, in which it:

(a) Decided that all reports submitted to the Commission on Human Rights should follow the standards and guidelines established by the General Assembly and that they should not exceed the desirable 32-page limit;

(b) Requested the secretariat to do its utmost to ensure that substantive documents, in particular the reports of the special representatives, special rapporteurs, independent experts and thematic working groups, are distributed in all official languages no less than six weeks before the consideration of all the respective agenda items by the Commission;

(c) Requested the special representatives, special rapporteurs and independent experts of the Commission to do their utmost to submit their reports in time to enable the secretariat to meet the objectives set out in that resolution;

(d) Encouraged countries which extended invitations to special representatives, special rapporteurs, independent experts and thematic working groups to take into account the contents of that resolution;

(e) Requested the Chairman of the Commission, in consultation with the Bureau, to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts on the basis of the highest standards of efficiency, competence and integrity, due regard was paid to the appointments being made on as wide a geographical base as possible so that the imbalance in this field was redressed,

1. Requests the Secretary-General to implement rigorously the provisions of its resolution 1993/94 so as to ensure that no reports exceed the limits established by the General Assembly and that all reports are distributed not later than three weeks prior to the opening of the session;

2. Requests all special representatives, special rapporteurs, independent experts and thematic working groups, in consultation with the Centre for Human Rights, to submit their reports in time, so as to allow for distribution at least three weeks before the opening of the session of the Commission;

3. Invites those representatives and rapporteurs who may, by virtue of their mandate, require to make available to the Commission additional information that it was not possible to include in their reports to consult with the Centre for Human Rights;

4. Requests the Chairman to continue to do the utmost to ensure that while considering appointments of special representatives, special rapporteurs and independent experts on the basis of the highest standards of efficiency,

competence and integrity, due regard is paid to the appointments being made on as wide a geographical base as possible so that the imbalance in this field is redressed.

5. Recommends to the Economic and Social Council that it authorize the Commission on Human Rights to hold its annual sessions later in the year, and its fifty-first session from 13 March 1995 to 21 April 1995, in order to allow for the proper preparation of documentation for the Commission;

6. Decides to keep the matter under review at its fifty-first session.

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Fiftieth session
Agenda items 3 and 25

ORGANIZATION OF THE WORK OF THE SESSION

Draft decision proposed by the Chairman

Organization of the work of the session

The Commission on Human Rights decides to convene an informal, open-ended working group, open to all participants, under the chairmanship of the Chairman of its fiftieth session for a maximum period of 10 working days to discuss, in the following order:

(a) The reclustering of the agenda of the Commission on Human Rights, with a view to deciding upon a provisional agenda for the fifty-first session;

(b) Organizational matters related to the above, including the organization of work and documentation;

(c) A preliminary inventory of possible other reforms.

The Commission on Human Rights also decides to request the secretariat to prepare an analysis of the organization of the past three sessions of the Commission on Human Rights, including its fiftieth session, to be used for reference purposes at the meeting of the open-ended working group.